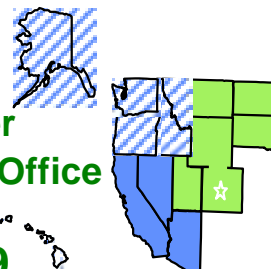


U.S. Army Environmental Center Western Regional Environmental Office

REGION IX - OCTOBER 1999



WESTERN REGION REVIEW

This publication provides current information on significant regulatory and legislative developments and related information in the Federal Region IX area (Arizona, California, Hawaii, and Nevada) that affect U.S. Army activities and operations. We appreciate your feedback and encourage you to submit suggestions for future discussion. Please contact us at the Western Regional Environmental Office, ATTN: SFIM-AEC-WR, Building 111, Commerce City, CO 80022-1748, commercial (303) 289-0125, DSN: 749-2125, FAX: (303) 289-0272.

WESTERN REGIONAL REVIEWS AVAILABLE ON THE INTERNET

Current and past issues of the *WESTERN REGION REVIEW* for Regions VIII, IX, and X are available on the Internet at <http://aec-www.apgea.army.mil:8080/prod/usaec/ro/western/updates/wupdates.htm>.

FEDERAL REGULATORY DEVELOPMENTS

Safe Drinking Water Act (SDWA):

Monitoring Schedule for Unregulated Drinking Water Contaminants Issued

The Safe Drinking Water Act requires the EPA to determine whether a contaminant not currently regulated is present in drinking water supplies at levels that might warrant regulation. Monitoring for unregulated contaminants at public water systems provides an early warning of a contaminant's presence before serious public health impacts occur. The EPA has included 36 contaminants on the Unregulated Contaminant Monitoring Regulation (UCMR) List. Based on availability of analytical methods, the EPA has selected 12 of these contaminants for monitoring by the nation's large drinking water suppliers (those serving more than 10,000 persons) and a representative sample of small drinking water systems (serving 10,000 or fewer persons). These systems will be required to begin monitoring in 2001 to determine whether or not the contaminants are present at a level or frequency that would warrant consideration for regulation at a later date. The EPA will address additional potential contaminants on the UCMR list in future rulemaking. The final "Revision to the Unregulated Contaminant Monitoring Regulation for Public Water Systems" was published in the Federal Register on 17 September 1999. For more information, call the EPA's Safe Drinking Water Hotline at (800) 426-4791, or access the EPA's drinking water Internet site at <http://www.epa.gov/safewater/ucmr.html>.

Clean Water Act (CWA):

Comment Period on Proposed TMDL Rule Extended

On 23 August 1999, the EPA issued two proposed rules to the current regulatory requirements for identifying impaired waters and establishing Total Maximum Daily Loads (TMDLs) under the Clean Water Act: revisions to the Water Quality Planning and Management Regulation (64 FR 46012); and revisions to the National Pollutant Discharge Elimination System (NPDES) Program and Federal Antidegradation Policy (64 FR 46058) in support of the revisions at (64 FR 46012). The EPA sought comment on both sets of proposed rules by 22 October 1999. It is the EPA's intent to provide the public and all stakeholders an adequate period of time to fully analyze the issues and prepare comprehensive comments. Therefore,

we are extending the comment period an additional 60 days for a total comment period of 120 days. Comments on these proposals must be submitted on or before 22 December 1999. Refer to the September 1999 Western Region Review for information concerning TMDLs. An electronic version of the TMDL proposal is available via the Internet at <http://www.epa.gov/OWOW/tmdl/index.html>.

Environmental Protection and Community Right-to-Know Act (EPCRA):

Comment Period Extended on Proposed Rule for Lowering Lead Thresholds

The EPA is extending the comment period for the proposed rule that would lower the reporting threshold on lead under the Toxic Release Inventory (TRI). The comment period will be extended 45 days from the original closing date of 17 September 1999 to 1 November 1999. Currently, facilities are not required to report their lead and lead compound releases to the air, water and land unless they manufacture or process more than 25,000 pounds annually or use more than 10,000 pounds annually. Under the proposed rule the reporting threshold would be lowered to 10 pounds per facility per year and substantially increase the amount of information made available to the public. This would be a proposed increase of reporting under the TRI Program by about 13 percent, or about 15,000 reports. A copy of the notice is available on the Internet at <http://www.epa.gov/fedrgstr/> or by calling (800) 553-0202. General information about lead is available at <http://www.epa.gov/lead/>. General information about the TRI program is available at <http://www.epa.gov/opptintr/tri/>.

Miscellaneous:

EPA Reinvention Initiative Designed to Recognize Environmental Stewardship

The EPA has announced that it will reward industries and other organizations that excel in environmental management. This action was one of 10 presented in a new EPA report entitled "Aiming for Excellence: Actions to Encourage Stewardship and Accelerate Environmental Progress." The report describes additional steps that the EPA will be taking in the next 12 to 18 months to strengthen the nation's environmental protection system. The initiative is a step towards creating a more performance-based environmental protection system. In the past, the EPA has been criticized for not providing rewards for organizations that go beyond environmental compliance, nor has it offered incentives that could encourage improvements in environmental performance.

The EPA also states that it is committed to increasing its compliance assistance efforts. Specific actions include: releasing new compliance assistance guides or checklists for major new rules within 90 days of issuance so they are available before new requirements take effect, and becoming a more effective distributor of compliance assistance information. This means giving organizations that routinely work with regulated facilities on compliance issues the tools and information they need to provide timely, helpful assistance. The EPA will take steps to improve permitting processes, including increased flexibility in meeting air permit requirements and improving understanding of the waste water (NPDES) permitting process to improve the quality of applications and expedite regulatory review. Copies of the report can be obtained by calling the National Service Center for Environmental Publications at (800) 490-9198, or from the EPA's Internet site at <http://www.epa.gov/reinvent/>.

Risk Information Available On-Line

The Risk Assessment Information System (RAIS) was designed by the U.S. Department of Energy to provide risk assessment tools and information. Among the risk assessment tools available on this site are: risk-based preliminary remediation goal (PRG) calculations used by risk managers as long-term targets during the analysis and selection of remediation alternatives; databases of toxicity profiles and values; ecological benchmarks to identify contaminants, media, and receptors that may be at risk; and a risk assessment glossary. Additional information is available in the form of risk assessment and

regulatory guidance documents, current risk management events, and links to related Internet resources. Download information from the RAIS at http://risk.lsd.ornl.gov/rap_hp.htm.

The Risk Analysis Center (RAC) is being developed as a major information resource on the subject of risks affecting humans. Its principal aim is to contribute to better public understanding of, and ability to evaluate, risk in everyday life. The primary service of this site is an abstracts database of risk-related information. The abstracts are culled from scientific, medical and technical journals, as well as books, papers and technical reports from academic, research and other institutions. The site is free; however, visitors are required to register in order to access the database. Search the database for your topic or browse through pre-defined major risk categories and sub-categories — everything from domestic, occupational, and recreational risks to health, nutrition and environmental risks. Visit the RAC at <http://www.risk-analysis-center.com/>.

CONFERENCES AND SYMPOSIUMS

- **25-28 October 1999: Right-to-Know Conference and Exhibition - Denver, CO.** Since the implementation of the Toxic Release Inventory (TRI) program, the EPA has held a series of conferences to provide a forum for participants to share experiences and techniques, and profile current and future right-to-know program activities. This year's conference will concentrate on right-to-know from a multi-media perspective. A discussion panel entitled "The Role of the Media on RTK Issues in a Community" has been added to gain insight on how right-to-know issues are viewed by the media and they are reported to the public. Information about this meeting is found at <http://www.neha.org/> or by calling (202) 260-3435.
- **18 November 1999: EPA Region VIII Oil Pollution Act Workshop for Federal Facilities - Salt Lake City, UT.** This workshop will be held at the Utah Department of Environmental Quality offices, 168 North 1950 West, Salt Lake City, Utah. The focus of the training is on spill prevention, control and countermeasures and facility response plan regulations. Contact the EPA at (303) 312-6202 for questions or more information.
- **6-8 December 1999: Brownfields 1999 - Dallas TX.** The Brownfields 1999 conference, entitled "Alliances for 21st Century Livability - Environmental Challenges and Solutions" is the fourth annual brownfields conference co-sponsored by the EPA. Conference participants include community representatives, local and state governmental officials, the business community, real estate investors and environmentalists. Brownfields '99 will be a critical avenue to bringing together a wide range of stakeholders to foster effective partnerships that facilitate the revitalization of contaminated properties. Conference attendees may register online using the Online Registration Form found at <http://www.epa.gov/brownfields/bf99.htm> or by calling the Brownfields '99 Hotline at (877) 343-5374.
- **27-30 March 2000: National Defense Industrial Association - Long Beach, CA.** The National Defense Industrial Association (NDIA) will host the 26th Environmental Symposium and Exhibition entitled "Sustaining DoD Readiness: Changes and Challenges in DoD Environmental Priorities." Contact the NDIA at (703) 247-2572 or visit their Internet site at <http://ndia.org/> for registration information.
- **4-7 April 2000: Pacific Environmental Restoration Conference (PERC) - Honolulu, HI.** The theme of the upcoming conference is "Working Together to Achieve Total Environmental Restoration in the Pacific." This conference offers the opportunity for the cross-feed of information and experiences in cleaning sites impacted by industrial and military activities. Registration information can be found at the PERC website at <http://www.perc2000.org/>, or by calling (808) 449-1584.
- **25-27 April 2000: National Water Quality Monitoring Council Conference - Austin, TX.** The National Water Quality Monitoring Council (NWQMC) conference, entitled "Monitoring for the New

Millennium," will focus on strategies to improve water quality monitoring, assessment, and reporting. Call the NWMQC at (410) 356-8993 for details or visit their Internet site at <http://nwqmc.site.net/> for registration information.

ARIZONA

Regulatory Developments

Air Quality:

- **Final Rule: Failure To Submit a Required SIP.** The EPA is taking final action in making a finding, under the Clean Air Act (CAA), that Nevada failed to make a carbon monoxide (CO) nonattainment area state implementation plan (SIP) submittal required for the Las Vegas Valley. Under certain provisions of the CAA, states are required to submit SIPs providing for reasonable further progress and attainment of the CO national ambient air quality standards (NAAQS) in areas classified as serious. The deadline for submittal of this plan for the Las Vegas Valley was 3 May 1999. This action triggers the 18-month time clock for mandatory application of sanctions and 2-year time clock for a federal implementation plan (FIP) under the CAA. This action is consistent with the CAA mechanism for assuring SIP submissions. The final rule is effective immediately. For additional information, contact the EPA at (415) 744-1227.
- **Final Rule: Hazardous Waste Incinerators.** The Arizona Department of Environmental Quality (ADEQ) has adopted a new rule to bring Arizona's state air program into compliance with federal requirements for Hazardous Medical Infectious Waste Incinerators (HMIWIs). The rule requires each facility covered by the rule to obtain a Title V air permit, as is required by federal law. The ADEQ expects that approximately ten facilities will be required to comply with the federal standards or choose alternative methods of waste disposal. Such facilities include animal hospitals, medical hospitals, military bases, and veteran administration located in Arizona. HMIWIs in Maricopa, Pima and Pinal Counties will be subject to county, not ADEQ, rules, but will still be part of the required state plan. The rule is effective as of 10 August 1999. Contact the ADEQ at (602) 207-2223 for additional information.
- **Final Rule: Stationary Controls.** The ADEQ has amended its air rules (A.A.C R18-2) to incorporate by reference several recent federal rules adopted in the State. The amendments adopt the following federal regulations: New Source Performance Standards; NESHAP; Acid Rain; and Compliance Assurance Monitoring. The federal regulations are incorporated up to 1 July 1998; however, the federal regulations on landfills would be incorporated up to 17 August 1998. The rule is effective as of 10 August 1999. Contact the ADEQ at (602) 207-2223 for more information.

CALIFORNIA

Legislative Developments

The 1999-2000 California Legislature convened on 7 December 1998 and adjourned on 10 September 2000. Governor Gray Davis (D) has 30 days to sign or veto a bill; otherwise it becomes law. A two-thirds vote in each chamber is required to override a veto. Unless otherwise specified, the general effective date for bills is 1 January following the 90-day period after enactment.

Assembly Bill 50: Water Quality and Pollution Prevention

Summary: Authorizes the State Water Resources Control Board and regional water quality control boards to require that an application for a waste discharge permit include a prescribed pollution prevention plan. Requires the State Board to incorporate the plans as part of the waste discharge permits for specific

dischargers. Requires that the State Board adopt regulations establishing specific standards for the issuance of waste discharge permits. Prohibits the Board from prescribing waste discharge permits for publicly owned treatment works (POTWs) unless the Board determines the POTW requires discharge monitoring reports from its significant industrial users. Requires significant industrial users to submit discharge monitoring reports to a POTW up to once per month. Requires the Board to prescribe effluent limitations as part of the waste discharge permits of a POTW. Authorizes a POTW to require pollution prevention plans as part of the pretreatment requirements applicable to significant industrial users.

Status: Introduced before the Assembly on 7 December 1998. Referred to the Committee on Environmental Safety and Toxic Materials on 3 March. Amended by Committee on 18 March and referred to the Committee on Appropriations on 23 March. The bill was suspended until a later date on 28 April. Passed out of committee on 2 June and referred to the Committee on Environmental Quality on 7 June. Amended in Committee on 21 June. Withdrawn from Committee and suspended indefinitely on 14 July 1999.

Outlook: This bill died in Committee.

Assembly Bill 241: Hazardous Waste Identification

Summary: Deletes the requirement under current law that the hazardous waste code identification system require hazardous wastes that are identified pursuant to the RCRA criteria, but that are not regulated under RCRA, to be identified by a RCRA code. Prohibits the revised code system from requiring non-RCRA hazardous wastes to be identified by a RCRA hazardous waste code.

Status: Introduced before the Assembly on 28 January. Referred to Assembly Environmental Safety and Toxic Materials Committee on 4 February. Amended in Committee on 3 March and referred to the Committee on Appropriations on 23 March. Passed the Assembly on 22 April and transmitted to the Senate. Read on the Senate floor and referred to the Committee on Environmental Quality on 28 April. A hearing was held on 21 June. Passed out of Committee and referred to the Committee on Appropriations on 13 July. Passed the Senate on 23 August and transmitted back to the Assembly for further consideration. Assembly concurred with the Senate amendments and enrolled the bill on 26 August 1999.

Outlook: Governor Davis signed AB 241 into law on 15 September 1999.

Assembly Bill 399: Wetlands Development Permitting

Summary: Revises provisions to require that every coastal development permit issued for any development within the coastal zone include a specified finding pertaining to public access and public recreation policies. Current law, the California Coastal Act of 1976, requires that any person wishing to perform or undertake any development in the coastal zone, as defined, obtain a coastal development permit, except as provided. The Act also requires that every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone include a specific finding that the development is in conformity with specified public access and public recreation policies.

Status: Introduced before the Assembly on 12 February 1999. Referred to the Committee on Natural Resources on 25 February. A hearing scheduled for 5 April 1999 was cancelled by the bill's sponsor.

Outlook: This bill died in Committee.

Assembly Bill 511: Nonpoint Source Pollution (I)

Summary: Defines specified terms for purposes of the California Coastal Act of 1976 relating to nonpoint source pollution and requires that the specified access policies be implemented to take into account the need to reduce nonpoint source pollution. Revises specified coastal protection policies contained in the Act to encourage various management measures to prevent nonpoint source pollution. Requires that new development in the coastal zone comply with a specified nonpoint source management plan prepared pursuant to federal law. Requires that the California Coastal Commission prepare, implement, and monitor the plan known as the "Polluted Runoff Plan of the California Coastal Commission," annually and in a manner that ensures coordination among federal, state and local agencies, and the most efficient use of limited fiscal resources by those agencies.

Status: Introduced before the Assembly on 18 February and referred to Committee on Natural Resources on 4 March. Hearing held, reported from Committee and referred to Assembly Appropriations Committee on 5 April. Amended in Committee on 26 April. Amended in committee on 1 June and passed the Assembly on 3 June. Referred to the Senate Committee on Natural Resources and Wildlife on 17 June.

Passed out of Committee and referred to the Committee on Appropriations on 14 July. Suspended indefinitely in Committee on 23 August. Passed successfully out of Committee on 9 September 1999. **Outlook:** This bill failed to pass before the Legislature adjourned. AB 511 will carry-over to the 2000 session.

Assembly Bill 604: Nonpoint Source Pollution (II)

Summary: Pertains to nonpoint source pollution. Requires that the State Water Resources Control Board, in consultation with the California Coastal Commission and the State Department of Health Services, establish measurable performance goals, to carry out the state's nonpoint source pollution program.

Status: Introduced before the Assembly on 19 February and referred to the Committee on Natural Resources on 23 March. Amended in committee on 26 May and passed the Assembly on 2 June. Referred to the Senate Committee on Natural resources and Wildlife on 23 June. Passed out of Committee and referred to the Committee on Appropriations on 17 August. Suspended in Committee on 23 August and the reactivated by the sponsor on 30 August. Amended in Committee on 2 September and passed the Assembly on 7 September. Enrolled and sent to the Governor for his consideration on 16 September 1999.

Outlook: Governor Davis has indicated his support for this bill and will likely sign it into law.

Assembly Bill 626: Endangered Species

Summary: Pertains to the incidental taking of endangered species. Deletes the repeal date of existing law, providing that if any person obtains an incidental take statement under the federal Endangered Species Act from the Secretary of the Interior or the Secretary of Commerce, no further authorization or approval is necessary under the California Endangered Species Act for that person to take that species. Requires that person to notify the Director of the California Fish and Game Department.

Status: Introduced before the Assembly on 19 February and referred to the Committee on Water, Parks and Wildlife on 8 March. A hearing was scheduled for 13 April 1999, but was canceled by the sponsor.

Outlook: This bill died in Committee.

Assembly Bill 710: Ammonium Perchlorate

Summary: Requires that the Department of Health Services (DHS) establish a demonstration project regarding the removal of ammonium perchlorate from drinking water. Current law, the Calderon-Sher Safe Drinking Water Act of 1996, requires the DHS to submit to the legislature a Safe Drinking Water Plan for California once every 5 years, and to take all reasonable measures necessary to reduce the risk to the public health from waterborne illnesses in drinking water caused by cryptosporidium and giardia. The law also requires that the: (1) DHS adopt primary drinking water standards for contaminants in drinking water that are to be set at levels as close as possible to the corresponding public health goal; and (2) Office of Environmental Health Hazard Assessment perform a risk assessment and, based upon that risk assessment, adopt a public health goal for contaminants in drinking water based exclusively on public health considerations.

Status: Introduced before the Assembly on 24 February and referred to Environmental Safety and Toxic Materials Committee on 8 March. A hearing was scheduled for 13 April 1999, but was canceled by the sponsor.

Outlook: This bill died in Committee.

Senate Bill 25: Human Health and Air Toxics

Summary: The 22 March amendments impose specified requirements on the California Air Resources Board (CARB) relating to the protection of infants and children from environmental health hazards. Requires the CARB to carry out an ongoing review of criteria air pollutants and toxic air contaminants pursuant to specified schedules. Creates the Office of Children's Environmental Health and Protection within the Environmental Protection Agency to serve as chief advisor to the Secretary for Environmental Protection and to the Governor on matters relating to public health and environmental protection as it relates to children. Requires the Board to assess: (1) exposure patterns among infants and children that are likely to result in disproportionately high exposure to ambient air pollutants in comparison to the general population; (2) special susceptibility of infants and children to ambient air pollutants in comparison

to the general population; (3) the effects on infants and children of exposure to ambient air pollutants and other substances that have a common mechanism of toxicity; and (4) the interaction of multiple air pollutants on infants and children, including the interaction between criteria air pollutants and toxic air contaminants.

Status: Introduced before the Senate on 7 December 1998 and referred to the Senate Committee on Rules 6 January. Reported from Committee and referred to the Committee on Environmental Quality on 24 March. Amended in Committee on 28 April. Reported from committee and amended on the Senate floor on 1 June. Passed the Senate on 2 June. Referred to the Assembly Committees on Natural Resources and Environmental Safety and Toxic Materials on 21 June. Passed out of Committee and referred to the Committee on Appropriations on 16 August. Suspended indefinitely on 26 August. Amended in Committee and passed the Assembly on 7 September. Senate concurred with Assembly amendments and repassed the bill on 8 September. Enrolled and sent to the Governor for his consideration on 17 September 1999.

Outlook: Governor Davis has indicated his support for this bill and will likely sign it into law.

Senate Bill 89: Environmental Equity/Justice

Summary: Requires the Secretary for Environmental Protection, not later than 1 April 2000, to convene a Working Group on Environmental Justice, comprised of representatives from each environmental agency, for the purpose of: (1) identifying disproportionately high and adverse human health or environmental effects on minority populations or low-income populations; and (2) providing guidance to state agencies that implement, administer, and enforce environmental laws in the state. Requires each environmental agency, in cooperation with the Working Group on Environmental Justice, to take specific actions to develop an agencywide strategy to identify and address issues relating to environmental justice. Defines "environmental justice" as the fair treatment of people of all races, cultures, and income levels with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Status: Introduced before the Senate on 7 December 1998. Referred to the Senate Committee on Environmental Quality on 6 January. Amended in Committee and referred to the Committee on Appropriations on 5 April. A hearing scheduled for 10 May 1999 was postponed by the sponsor.

Outlook: This bill died in Committee.

Senate Bill 115: Human Health and Environmental Equity/Justice

Summary: Requires the Office of Planning and Research to recommend proposed changes in the guidelines used in implementing the California Environmental Quality Act (CEQA) to provide for the identification and mitigation by public agencies of disproportionately high and adverse environmental effects of projects on minority populations and low-income populations by 1 January 2001. Requires that the Office, in consultation with other state agencies, review its available databases and other available databases and information to identify affected communities and populations by 1 January 2001.

Status: Introduced before the Senate on 17 December 1998. Referred to the Senate Committee on Environmental Quality on 7 January. Amended in Committee on 10 March and referred to the Committee on Appropriations on 5 April. A hearing was held on 10 May. Referred to the Committee on Natural Resources on 3 June and amended on 23 June. Passed out of Committee and referred to the Committee on Appropriations on 2 July. Suspended indefinitely on 26 August. Amended in Committee and passed the Assembly on 9 September. The Senate concurred with the Assembly amendment and repassed the bill on 10 September. Enrolled and sent to the Governor for his consideration on 23 September 1999.

Outlook: Governor Davis has indicated his support for this bill and will likely sign it into law.

Senate Bill 136: Air Permitting

Summary: Provides that the City of Los Angeles is fully responsible for the costs associated with the implementation of air quality mitigation measures within the Owens Valley Planning Area. Requires that the mitigation measures be implemented so that the Planning Area attains federal ambient air quality standards by December 31, 2006. Requires that the state Controller deduct compliance costs pertaining to the Owens Dry lake Planning Area from any funding directed to Los Angeles until costs are recovered. Deletes the prohibition on the: (1) air quality mitigation measures affecting the right of the City of Los Angeles to produce, divert, store or convey water; and (2) Great Basin Unified Air Pollution Control

District's authority regarding water production activities of the City. Authorizes the City to bring a judicial action to challenge a measure or fee imposed by the District.

Status: Introduced before the Senate on 4 January and referred to the Committee on Environmental Quality on 20 January. A Committee hearing has been scheduled for 19 April. Amended in Committee on 27 April. Hearing held and reported from Committee on 17 May. Amended on the Senate floor on 27 May and passed the Senate on 1 June. Referred to the Assembly Committee on Natural Resources on 21 June. Passed out of Committee and referred to the Committee on Appropriations on 2 July.

Reconsideration of the bill was granted by the Committee chair on 18 August 1999.

Outlook: This bill died in Committee.

Senate Bill 212: Inspection and Maintenance Programs

Summary: Establishes an enhanced emissions and inspection program in any district of origin of upwind emissions, any part of which: (1) is classified the EPA as a nonattainment area for ozone; and (2) has been determined by the California Air Resources Board (CARB) to make an overwhelming or significant contribution to downwind ozone ambient air pollutant levels in a different district that is not in attainment.

Status: Introduced before the Senate on 20 January and referred to the Senate Committee on Transportation on 27 January. Reported from Committee and referred to the Committee on Appropriations on 20 April. A hearing scheduled for 10 May 1999 was canceled by the sponsor and has been held in Committee.

Outlook: This bill died in Committee.

Senate Bill 227: Water Quality

Summary: Requires the California Coastal Commission and the City of Monterey to: (1) contract with the State Water Resources Control Board to prepare a model for urban nonpoint source pollution protection; and (2) make the program available to specific local coastal governments. Requires that the Commission and the Board enforce a coastal nonpoint source pollution control program with specified components. Requires the development and implementation of management measures for nonpoint source pollution that protect and improve the quality of coastal waters. Requires the Commission to recommend to the Office of Planning and Research (OPR) guidelines relating to watershed, water quality, and nonpoint source pollution impacts of projects. The OPR will submit recommendations to the Secretary of the California Resources Agency.

Status: Introduced before the Senate on 26 January and referred to the Senate Committees on Natural Resources and Water and Environmental Quality on 3 February. Amended in Committee and referred to the Committee on Appropriations on 23 March. A hearing was held and the bill was held in Committee on 17 May. Reported from Committee and passed the Senate on 2 June. Referred to the Assembly Committees on Water, Parks, and Wildlife and Natural Resources on 21 June. Amended in Committee on 23 June. Passed out of Committee and re-referred to the Committee on Natural Resources on 29 June. Amended in Committee and referred to the Committee on Appropriations on 15 July. Suspended indefinitely on 26 August. Amended in Committee and passed the Assembly on 7 September. The Senate concurred with the Assembly amendment and repassed the bill on 9 September. Enrolled and sent to the Governor for his consideration on 23 September 1999.

Outlook: Governor Davis has indicated his support for this bill and will likely sign it into law.

Senate Bill 390: Water Quality

Summary: Under the Porter-Cologne Water Quality Control Act, the Water Resources Control Board and the California regional water quality control boards are among the principal agencies with authority over water quality. The Act requires each person for whom waste discharge requirements have been prescribed to submit annual fees and filing fees, with specified fee limits established by the state board. Persons discharging waste are required to file with the appropriate regional board a report of the discharge and the discharge is subject to waste discharge requirements prescribed by that regional board. Persons are generally prohibited from initiating a new discharge of waste, or making any material changes in any discharge of waste, prior to the filing of the waste discharge report, and after the filing of that report unless waste discharge requirements have been prescribed or, under certain circumstances, 120 days have elapsed since the filing of that report. The Act authorizes the regional boards to waive these requirements as to a specific discharge or type of discharge. This bill would authorize the regional boards to waive these requirements as to a specific discharge or type of discharge if the waiver is not against the

public interest and the term of the waiver does not exceed 5 years. The Act provides that a person may be liable civilly in accordance with prescribed provisions if that person intentionally or negligently violates prescribed orders, or, in violation of prescribed requirements, intentionally or negligently discharges waste, or causes waste to be deposited where it is discharged, into the waters of the state and creates a condition of pollution or nuisance, or causes or permits any oil or residuary product of petroleum to be deposited in the waters of the state, except in accordance with the Act.

Status: Introduced in the Senate on 12 February and assigned to the Committee on Environmental Quality. Amended in Committee and re-referred to the Committee on Environmental Quality on 13 April. Passed the Senate on 2 June and transmitted to the Assembly. Introduced in the Assembly and held at the floor on 2 June. Referred to the Assembly Committees on Environmental Safety and Toxic Materials and Judiciary on 21 June. Passed out of Committee and referred to the Committee on Judiciary on 12 July. Passed out of Committee and re-referred to the Committee on Environmental Safety and Toxic Materials on 14 July. Amended in Committee, passed, and referred to the Committee on Appropriations on 26 August. Amended in Committee and passed the Assembly on 8 September. The Senate concurred with the Assembly amendment and repassed the bill on 10 September. Enrolled and sent to the Governor for his consideration on 27 September 1999.

Outlook: Per the U.S. Navy, SB 390 would have prevented the Navy from obtaining the necessary NPDES permits to berth their ships in San Diego Bay. The bill's sponsor was invited to tour Navy facilities in San Diego where environmental personnel demonstrated NPDES programs that have improved water quality in the bay. The Navy also testified at a Senate Environmental Quality Committee hearing regarding their concerns, and was successful in getting the sponsor to amend certain provisions of the bill. It is unclear whether or not Governor Davis will approve of this bill.

Senate Bill 635: Drinking Water Contaminants

Summary: Requires the Office of Environmental Health Hazard Assessment (OEHHA) to prepare and publish an assessment of the risks to public health posed by each contaminant for which the department proposes a primary drinking water standard. Requires that the risk assessment contain an estimate of the level of the contaminant in drinking water that may cause or contribute to adverse health effects that would be known as the public health goal for the contaminant. Revises the criteria upon which the public health goal for each contaminant would be based. Current law requires that the OEHHA shall perform a risk assessment and, based upon that risk assessment, adopt a public health goal for contaminants in drinking water based exclusively on public health considerations for each drinking water contaminant regulated, or proposed to be regulated, by the Department of Health Services pursuant to a primary drinking water standard.

Status: Introduced before the Senate on 24 February and referred to Senate Environmental Quality Committee on 10 March. Amended in Committee on 3 May. A hearing was held, reported from Committee, and referred to the Senate Committee on Appropriations on 10 May. Passed the Senate on 27 May and referred to the Assembly Committee on Environmental Safety and Toxic Materials on 10 June and amended on 15 June. Amended and passed out of Committee and referred to the Committee on Appropriations on 12 July. SB 635 was placed on the Assembly's inactive file on 31 August. Removed from the inactive file, amended in Committee, and passed the Assembly on 7 September. The Senate concurred with the Assembly amendment and repassed the bill on 9 September. Enrolled and transmitted to the Governor for his consideration on 24 September 1999.

Outlook: Governor Davis has indicated his support for this bill and will likely sign it into law.

Senate Bill 755: CEQA Impact Fees

Summary: Provides that an environmental document prepared pursuant to the California Environmental Quality Act (CEQA) is not valid for use in a subsequent project if the certification of the document occurred more than 5 years before the filing of an application for that subsequent project. Requires a lead agency, under the CEQA, to find that a project may have a significant impact on the environment and would require an environmental impact report to be prepared for a project if the lead agency makes specified findings. Authorizes a lead agency to refuse to approve a project if it makes specified determinations.

Status: Introduced before the Senate on 24 February and referred to the Committee on Environmental Quality on 10 March. Amended in Committee on 5 April. Reported from Committee and referred to the

Committee on Appropriations on 19 April. Amended in Committee on 27 April. A 17 May Committee hearing was canceled by the sponsor. Amended in committee on 2 June and passed the Senate on 3 June. Referred to the Assembly Committee on Natural Resources on 21 June and amended on 7 July. Passed out of Committee as amended and referred to the Committee on Appropriations on 16 August. Suspended indefinitely on 26 August 1999.

Outlook: SB 755 failed to pass prior to the Legislature's adjournment. It will carry-over into the 2000 session.

Senate Bill 1099: Defense Retention and Conversion Act

Summary: This bill would establish the California Defense Retention and Conversion Council in the Trade and Commerce Agency. The bill would set forth the membership and duties of the council in regard to defense retention and conversion and military base reuse activities in the state, including the administration of a Defense Retention Grant Program and specified activities developed by the former California Defense Conversion Council.

Status: Introduced before the Senate on 26 February and referred to the Committee on Government Organization on 18 March. A Committee hearing is scheduled for 27 May. Amended on 9 June and passed the Senate on 10 June. Amended in Committee and passed on 15 July and re-referred to the Committee on Appropriations on 23 August. Passed the Assembly on 7 September and transmitted to the Senate. The Senate concurred with the Assembly amendment and repassed the bill on 9 September. Enrolled and sent to the Governor for his consideration on 15 September 1999.

Outlook: Governor Davis signed SB 1099 into law on 16 September 1999. The bill creates an increased effort to retain military installations and facilities by resolving conflicts between State government and the DoD.

Senate Bill 1269: Diesel Exhaust

Summary: New provisions require the Office of Environmental Health Hazard Assessment (OEHHA) to conduct the necessary scientific studies to evaluate the exposure of the residents of this state to vehicular diesel exhaust in a range of reasonably anticipated circumstances, and to make this exposure information available. Current law, as provided by the Governor's Reorganization Plan No. 1 of 1991, authorizes the OEHHA to perform specified activities relating to the assessment of the health risk of chemicals on humans, and to provide toxicological and scientific consultation. Original version authorized a lead agency, in consultation with the State Air Resources Board, to adopt specific regulations that provide a uniform, statewide warning requirement for environmental exposures to diesel engine exhaust.

Status: Introduced before the Senate on 26 February and referred to the Committee on Environmental Quality on 17 March. Reported from Committee and referred to the Committee on Appropriations on 19 April. Amended in Committee on 27 April. Hearing held and the bill was reported from Committee on 17 May. Amended in committee on 28 May and passed the Senate on 2 June. Introduced before the Assembly and referred to the Committee on Transportation on 10 June. Withdrawn from Committee and re-referred to the Committee on Environmental Safety and Toxic Materials on 30 June. Amended and passed out of Committee and referred to the Committee on Appropriations on 16 August. Passed the Assembly and transmitted back to the Senate on 30 August. The Senate concurred with the Assembly amendment and repassed the bill on 8 September. Enrolled and sent to the Governor for his consideration on 23 September 1999.

Outlook: Governor Davis will likely approve of this bill.

Regulatory Developments

Air Quality:

- **Direct Final Rule: Approval of SIP.** The EPA is taking direct final action on revisions to the California State Implementation Plan (SIP). The revisions concern the rescission of rules from the San Luis Obispo County Air Pollution Control District (SLOCAPCD) and the South Coast Air Quality Management District (SCAQMD). The intended effect of this action is to bring the SLOCAPCD and the SCAQMD-SIP up to date in accordance with the requirements of the Clean Air Act (CAA). The EPA is finalizing the approval of these rescissions from the California SIP under provisions of the CAA

regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas. This rule is effective on 29 November 1999. For further information, contact the EPA at (415) 744-1184.

- **Proposed Rule: Approval of SIP.** The EPA is proposing a limited approval and limited disapproval of rules submitted to the EPA as revisions to the California State Implementation Plan (SIP) which concern the control of particulate matter (PM-10) emissions from fugitive dust sources in the San Joaquin Valley. The intended effect of proposing limited approval and limited disapproval of these rules is to regulate PM-10 emissions in accordance with the requirements of the Clean Air Act (CAA). The EPA's final action on this proposed rule will incorporate these rules into the federally approved SIP. The EPA has evaluated the rules and is proposing this action under provisions of the CAA regarding EPA action on SIP submittals and general rulemaking authority because these revisions, while strengthening the SIP, also do not fully meet the CAA provisions regarding plan submissions and requirements for nonattainment areas. Comments on the proposed rule must be received by 8 November 1999. Contact the EPA at (415) 744-1903 for more information.
- **Proposed Rule: Approval of SIP.** The EPA is proposing to revise the California State Implementation Plan (SIP) by approving rules from the San Joaquin Valley Unified Air Pollution Control District (District). The EPA is proposing to approve these rules to meet new source review (NSR) requirements of the Clean Air Act (CAA) for areas that have not attained the National Ambient Air Quality Standards (NAAQS). The State submitted Rules 2020 and 2201 to satisfy these federal requirements for an approvable NSR SIP. The EPA evaluated Rules 2020 and 2201 based on CAA guidelines for EPA action on SIP submittals and general rulemaking authority. Comments on this proposed action must be received in writing by 25 October 1999. For additional information, contact the EPA at (415) 744-1211.
- **Notice: Delegation of Authority.** The Regional Administrator for the EPA Region 9 has delegated full authority to the Kern County Air Pollution Control District (KCAPCD) to implement and enforce the federal Prevention of Significant Deterioration (PSD) program. The effective date of the delegation is 12 August 1999. For further information, contact the EPA at (415) 744-1238.

Endangered Species:

- **Notice: Petition to List White Abalone.** The National Marine Fisheries Service (NMFS) has received a petition to list white abalone (*Haliotis sorenseni*) as an endangered species on an emergency basis and to designate critical habitat under the Endangered Species Act. The NMFS finds that the petition presents substantial scientific and commercial information indicating that the request for listing may be warranted. Therefore, the NMFS is conducting a status review to determine whether the petitioned action is warranted. To assure that the review is comprehensive, the NMFS is soliciting information and data regarding this species and potential critical habitat from any interested party. The petition does not present substantial evidence to warrant the listing of white abalone on an emergency basis at this time. Comments and information must be received by 23 November 1999. The abalone is found in the subtidal zone between 80 and 200 feet, especially at the Channel Islands. There is a potential impact for Camp Pendleton and the Coronado Naval Air Base. Further information is available by calling the NMFS at (562) 980-4016.

HAWAII

Regulatory Developments**Water Quality:**

- **Notice: EPA Awards Clean Water Funds to Hawaii.** The EPA announces that it has awarded \$11.6 million under the State Revolving Loan Fund program to the Hawaii Department of Health for water quality projects. Hawaii will use the EPA funds under its own loan program to award loans to Hawaii counties to construct and upgrade wastewater treatment facilities. Hawaii plans to fund projects to control polluted runoff from roadways, agricultural areas, and other sources. Polluted runoff is the largest contributor to water pollution problems nationwide. To help address growing needs for funds to control water pollution, Congress created the State Revolving Loan Fund program as part of the 1987 Clean Water Act amendments. Under the program, the EPA provides grants to the states to capitalize their individual revolving fund programs. The State then makes low-interest loans that are repaid in 20 years. As the loans are repaid, the money is reused for future water quality projects. For more information on the EPA's Revolving Loan Fund program on the Internet, go to <http://www.epa.gov/owm/finan.htm>. For information on Hawaii's loan program, visit <http://www.hawaii.gov/health/> or call the EPA at (415) 744-1588.

NEVADA

Regulatory Developments

No significant regulatory developments were noted for the State of Nevada during the reporting period.